

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF WEST VIRGINIA**  
**AT HUNTINGTON**

TAMILIA LYNN ELKINS, Individually and  
in her capacity as Administratrix of the  
Estate of GARY DEXTER ELKINS,  
deceased,

**REPORT OF PARTIES' PLANNING MEETING**  
**CASE NUMBER 3:09 - 1284**

**V.**

AMERICAN SUZUKI MOTOR  
CORPORATION, a foreign corporation,

***Guideline for parties and attorneys:***

The parties are advised to use the *Worksheet for Report of Parties Planning Meeting* (Form USDC/ATTY-004 located on the Court's website at [www.wydc.uscourts.gov](http://www.wydc.uscourts.gov)) and the suggested guidelines contained in the form's comments.

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on January 7, 2010. Those participating were:

Charles S. West for plaintiff(s)  
Michael Bonasso for defendant(s) American Suzuki Motor Corporation  
Samuel D. Madia for defendant(s) American Suzuki Motor Corporation  
\_\_\_\_\_ for defendant(s) \_\_\_\_\_

2. Pre-Discovery Disclosures. The parties will exchange by February 22, 2010, the information required by Fed.R.Civ.P. 26(a)(1).

3. Plaintiff(s) should be allowed until February 8, 2010, to join additional parties and until February 8, 2010 to amend the pleadings. Defendant(s) should be allowed until February 8, 2010 to join additional parties and until February 8, 2010 to amend the pleadings.

4. Discovery Plan. The parties jointly propose to the court the following discovery plan:  
[Use separate paragraphs or subparagraphs as necessary if parties disagree.]

Discovery will be needed on the following subjects:

PLEASE SEE EXHIBITS "1" AND "2" ATTACHED

Disclosure of electronically stored information should be handled as follows:

The parties anticipate that the categories of electronically stored information that will be sought in the litigation can be produced in the form of CDs. To the extent any party asserts during the course of discovery that it is necessary for electronically stored information to be produced in some other format, the parties agree to mutually work toward a reasonable resolution of any such request. If the parties are unable to agree and/or disputes arise in the course of discovery regarding electronically stored information, the parties will submit them to the Court in accordance with the Local Rules and the Federal Rules of Civil Procedure.

The parties have agreed to an order regarding claims of privilege or of protection as trial-preparation material asserted after production, as follows:

The parties agree that a protective order is appropriate for disclosure of some of the information to be disclosed in this case and will work together to prepare and submit an Agreed Protective Order to the Court.

This action is not suitable for designation as a complex case requiring special case management procedures and additional pretrial conferences. If the parties and attorneys believe that the case is complex, the basis for that belief is:

The last date to serve discovery requests is October 1, 2010. The last date on which to take a discovery deposition is 45 days after the last date to serve discovery requests. The last date on which to take a discovery deposition is known as the "discovery completion date." [Discovery on November 15, 2010, to be completed by November 15, 2010.]

The parties do not adopt the discovery limits set forth in the Federal Rules of Civil Procedure. If the parties and attorneys believe that more discovery is needed, the basis for that belief is:

SEE EXHIBIT "2" ATTACHED

Reports from retained experts under Rule 26(a)(2) due:

By the party with the burden of proof on an issue: September 1, 2010;

By the party not bearing the burden of proof on an issue: October 15, 2010; and

Expert witness disclosures intended solely to contradict or rebut evidence on the same issue identified by another party: November 5, 2010.

5. Magistrate judges will resolve discovery disputes. The parties do not consent to have a United States magistrate judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.
6. Mediation shall take place on or before December 15, 2010.
7. Potential dispositive motions shall be filed by December 15, 2010, with responses and replies filed according to the Local Rules.
8. The parties request a pretrial conference in January 26, 2011.  
The plaintiff(s) shall submit a proposed pretrial order to defendant(s) on or before January 10, 2011.  
The defendant(s) shall compile a proposed integrated pretrial order and submit it to chambers of the presiding judicial officer on or before January 19, 2011.
9. Where applicable, proposed jury instruction shall be exchanged and transmitted to chambers of the presiding judicial officer in WordPerfect format on or before February 9, 2011.
10. Where applicable, proposed findings of fact and conclusions of law shall be exchanged and transmitted to chambers of the presiding judicial officer in WordPerfect format on or before February 7, 2011.
11. A final settlement conference will take place on February 11, 2011.

USDC/ATTY-003 | LR 16.1 (Rev. 2/07) Report of Parties Plaining Meeting

---

12. The case should be ready for trial by February 14, 2011, and at this time is expected to take approximately five days.

The parties request a conference with the court before entry of the scheduling order.

/s/Charles S. West

Charles S. West (WV Bar#5192)  
214 East First Avenue  
Williamson, WV25661  
Telephone: (304) 235-8888  
Facsimile: (304) 235-0705  
charleswestatty@yahoo.com

/s/Michael Bonasso

Michael Bonasso (WV Bar #394)  
Samuel D. Madia (WV Bar #10819)  
FLAHERTY SENSABAUGH BONASSO  
P.O. Box 3843  
Charleston, West Virginia 25338-3843  
Telephone: (304) 345-0200  
Facsimile: (304) 345-0260  
mbonasso@fsblaw.com  
smadia@fsblaw.com

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION

TAMILIA LYNN ELKINS, Individually and  
in her capacity as Administratrix of the  
Estate of GARY DEXTER ELKINS,  
deceased,

Plaintiff,

v.

CIVIL ACTION NO.: 3:09 - 1284  
The Honorable Robert C. Chambers

AMERICAN SUZUKI MOTOR  
CORPORATION, a foreign corporation,

Defendant.

**CERTIFICATE OF SERVICE**

I, Samuel D. Madia, counsel for the Defendant, American Suzuki Motor Corporation, do hereby certify that on the 25<sup>th</sup> day of January, 2010, the foregoing **"American Suzuki Motor Corporation's Report of Parties' Planning Meeting"** was served through the CM/ECF Court System and by depositing true copies thereof in the United States Mail, postage prepaid, in an envelope as follows:

Charles S. West  
214 East First Avenue  
Williamson, WV25661  
Counsel for Plaintiff

s/Samuel D. Madia  
Michael Bonasso (WV Bar #394)  
Samuel D. Madia (WV Bar #10819)  
FLAHERTY SENSABAUGH BONASSO PLLC  
P.O. Box 3843  
Charleston, West Virginia 25338-3843  
Telephone: (304) 345-0200  
Facsimile: (304) 345-0260  
[mbonasso@fsblaw.com](mailto:mbonasso@fsblaw.com)  
[smadia@fsblaw.com](mailto:smadia@fsblaw.com)  
***Counsel for American Suzuki Motor Corporation***